

Advisory Opinions on Consent Agenda - January 2022

Item #	Docket #	Caption	Analysis	Recommendation
G7	2021-410	Request for an advisory opinion from Corey Oubre, Director of Legal Services for St. Charles Parish, relative to St. Charles Parish entering into a cooperative endeavor agreement with P.A.C.E., a non-profit corporation of which St. Charles Parish President, Matthew Jewell is an officer.	It appears that this matter involves past conduct.	Decline to render an opinion.
G8	2021-713	Advisory Opinion Request from C. Kyle Mosley, Chief of Cullen Fire Department, regarding whether he may promote his brother to Assistant Chief.	Chief Mosley's request is unclear on several points. He refers to CFD as a "paid volunteer" department, so it is unclear who is paid and who is not. He is unclear as to whether he would personally be making the promotion of his brother. He is unclear as to whether either his brother's current position or potential position are paid. Despite numerous attempts to contact Chief Mosley, no response has been received from him or CFD. Without all relevant information, we are unable to provide a response to Chief Mosley's request.	Decline to render opinion.

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G9	2021-845	Request for an advisory opinion from Kurt Evans, relative to whether his company, Digital Engineering, could contract with Atlas Technical Consultants, LLC, an entity that employs Matt Butler, who serves on the Baton Rouge Metropolitan Airport Commission ("BOC") while Digital Engineering has entered into a contract with the BOC.	The Ethics Code would not prohibit Matt Butler from receiving any thing of economic value for services rendered to ATC should Digital Engineering enter into a contractual agreement with ATC while Digital has a contractual relationship with the BOC and Butler serves as a member of the BOC. Based on the information provided, Digital Engineering would not be contracting with Matt Butler, but with Mr. Butler's employer, Atlas Technical Consultants, LLC. Mr. Butler does not have any ownership interest in Atlas Technical Consultants, LLC. Although Mr. Butler receives a thing of economic value from Atlas Technical Consultants, LLC in the form of a salary, Atlas Technical Consultants, LLC does not contract with or have a business or financial relationship with the BOC. Further, Matt Butler would have no involvement regarding the contract between Digital and Atlas, nor would he receive compensation based on that contract	Adopt the proposed advisory opinion draft.
G10	2021-847	Advisory opinion regarding whether Michael Rich is prohibited from serving as the financial advisor on Troy Ingram's retirement account while Mr. Ingram serves as the contract attorney for the St. Tammany Fire Protection District No. 1 and Mr. Rich serves as one of its Commissioners.	Since Mr. Rich receives a thing of economic value for his financial advisor services on Mr. Ingram's retirement account, he is prohibited from receiving those fees for those services while Mr. Ingram has a contract with the District to be the attorney for the District and while Mr. Rich evaluates and makes recommendations as to the continued service of Mr. Ingram as attorney for the District.	Adopt proposed advisory opinion.

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G11	2021-901	Request for Advisory Opinion from Becky Reeves, on behalf of the LSU Lallie Kemp Medical Center (the "Center"), as to whether the Center's employees may accept food gifts from vendors of the Center.	The Board does not have the authority to provide exceptions to the Code of Governmental Ethics. In accordance with La. R.S. 42:1115.1 and La. R.S. 42:1102(22)(a), vendors of the Center may provide food, drink and refreshment to the Center's employees, provided that (1) the cost of the food, drink and refreshment does not exceed sixty-five dollars per employee, and (2) that the food, drink and refreshment is consumed at an event at which the vendor is present. Accordingly, if the vendors are not present at the event at which the food, drink and refreshment is consumed, these gifts would be a violation of the Code of Governmental Ethics.	Adopt proposed advisory opinion.
G12	2021-923	Advisory opinion request from Harry L. "Chip" Cahill, Attorney for the Town of Grand Isle (Pop. 1,005) in Jefferson Parish, regarding the post-employment restrictions for former Police Chief Laine Landry.	As elected Chief of Police, Mr. Landry's agency was the Grand Isle Police Department. Therefore, Mr. Landry is prohibited by Section 1121A(1), for two years from the end of his term, from providing any services to the Grand Isle Police Department on a contractual basis. However, Mr. Landry would not be prohibited from providing contractual services to the Town of Grand Isle, provided that the services do not involve the Grand Isle Police Department.	Adopt the proposed advisory opinion.

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G13	2021-975	Advisory opinion regarding whether the Code of Governmental Ethics would require New Iberia Mayor Pro Tem Ricky Gonsoulin to recuse himself from discussing and voting on the annexation of an 11-acre tract of land which is currently leased to his family business, Gonsoulin Farms.	Mr. Gonsoulin appears to have a substantial economic interest in the annexation of the 11-acre tract of land. Section 1102(21) of the Code defines "substantial economic interest" to be an economic interest which is of greater benefit to the public servant or other person than to a general class or group of persons. Since Mr. Gonsoulin has an interest in the annexation which is more than a member of the general public, Section 1112 of the Code prohibits him from voting on the matter. Section 1120 would allow him to recuse himself from the vote to avoid a violation; however, Section 1120 would also allow him to participate in the discussion regarding the annexation of an 11-acre tract of land leased to Gonsoulin Farms, provided he discloses, on the record, the nature of his conflict, prior to any discussion.	Adopt draft advisory opinion.
G14	2021-988	Request for approval of a disqualification plan from Fire Chief Chad Major, Baton Rouge Fire Department, relative to the employment of brothers, Jared Robertson and Jerome Robertson.	The disqualification plan submitted is compliant with R.S. 42:1112C and the rules of the Louisiana Board of Ethics.	Approve the disqualification plan.

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G15	2021-994	Advisory opinion request regarding whether the Code of Governmental Ethics would require Brian Boney to take a leave of absence from his position as a part-time police officer in Tullos, Louisiana while running for election for Police Chief of Ball.	There are no provisions in the Code which would require Mr. Boney to take a leave of absence from his position as a part-time police officer in Tullos, Louisiana while running for election for Police Chief of Ball provided that he does not campaign while on duty in Tullos. Section 1111A of the Code prohibits a public servant from receiving any thing of economic value, other than compensation and benefits from the governmental entity to which he is duly entitled, for the performance of the duties and responsibilities of his office or position. Therefore, Mr. Boney cannot campaign for office while on duty in Tullos. Mr. Boney may want to seek guidance on the application of the Dual Office Holding/Dual Employment Laws from the Attorney General if he is elected.	Adopt draft advisory opinion.

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G16	2021-1000	Advisory Opinion request from Robert J. Klein with the Office of Technology Services ("OTS") within the Division of Administration.	<p>The prohibitions in 1121 apply for a period of 2 years from Klein's retirement. 1121B(1) prohibits Klein from assisting another person for compensation in connection with a transaction or business relationship management in which he participated while employed by OTS.</p> <p>1121B(1) also prohibits Klein, as an employee of a third-party contractor to OTS, from rendering the same IT business relationship management services through a contract, directly or indirectly, to, for, or on behalf of OTS, Agency Relationship Management (ARM) Section, including providing business relationship management services to agencies with which he did not provide assistance while employed, and as an Agency Relationship Manager contracted to OTS, ARM Section. Klein would not be prohibited from contracting with OTS to render services outside of those he rendered while employed by OTS. 1121B(1) would not prohibit Klein, as an employee of a third-party contractor, from contracting directly with DPS, GOHSEP, ATC, OIG, or any other governmental entity or agency with which he was not employed to provide IT relationship management services. Klein's new employer would not be prohibited by 1121C from assisting OTS in transactions in which he did not participate while employed by OTS. Further, Klein's potential employer would not be prohibited by Section 1121C from assisting any other governmental entity with IT ARM services since a governmental entity is not a "person."</p>	Adopt the proposed advisory opinion draft.

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G17	2021-1022	Advisory Opinion request from Sheena Johnson, former Vocational Rehabilitation Counselor, for the Louisiana Rehabilitation Services program within the Louisiana Workforce Commission regarding her post-employment restrictions.	While employed by LWC Region V, Ms. Johnson's governmental entity was the State of Louisiana, and her agency was the LWC Region V office. As such, La. R.S. 42:1121B(1) prohibits Ms. Johnson, for a period of two years from her resignation, from receiving compensation to assist any person in a transaction involving the State of Louisiana, if she participated in assisting that person while employed by LWC Region V. Additionally, La. R.S. 42:1121B(1) prohibits Ms. Johnson, for a period of two years from her resignation, from contracting with LWC Region V to provide the same vocational rehabilitation services that she provided while employed by LWC Region V. Further, La. R.S. 42:1121C will prohibit Johnson Vocational Services LLC, for a period of two years, from receiving compensation for assisting any person in a transaction involving LWC Region V that Ms. Johnson assisted while employed by LWC Region V. However, La. R.S. 42:1121 does not prohibit Ms. Johnson or her company from contracting with LWC Region V to provide employment services, since she did not render employment services while employed by LWC Region V, provided those services are not being performed for LWC consumers she assisted while employed by LWC Region V.	Adopt draft advisory opinion.